

Appl. No. 10/026,329
Amendment dated March 9, 2004
Reply to Office Action of September 10, 2003

REMARKS/ARGUMENTS

The above-identified patent application has been reviewed in light of the Examiner's Action mailed 10 September 2003 (Paper No. 10). Claims 1-8 and 10-21 were pending. Claims 1 and 4 have been amended herein. Claims 3 and 11-21 have been cancelled without intending to abandon or to dedicate to the public any patentable subject matter. Accordingly, following entry of the foregoing amendments, Claims 1, 2, 4-8 and 10 will be pending. As set forth more fully below, reconsideration and withdrawal of the Examiner's rejections of the claims are respectfully requested.

Priority Oath/Declaration

The Examiner states that the patent office records continue to reflect a different filing date than that recited by the specification and the declaration submitted therewith and that The Examiner has not been able to locate Applicants' attempt to correct the filing date. Applicants' counsel has received the corrected filing receipt mailed 28 August 2003, a copy of which is included herewith for the Examiner's review.

Applicants submit that the filing records of the USPTO now reflect the correct filing date of the provisional patent application in agreement with the specification and declaration of record for the present utility application.

Claim Rejections Under 35 U.S.C. § 103

The Examiner has rejected Claims 1-2 and 5-10 as being obvious under 35 U.S.C. § 103(a) over U.S. Patent No. 4,080,177 (Boyer). Boyer teaches a method of forming a magnesium suspension in kerosene for use as jet fuel. The Examiner argues that it would have been obvious to modify the method of Boyer to produce the instantly claimed method of the present invention. Applicants have amended Claim 1 to incorporate the limitations of Claim 3 noted to be allowable over Boyer by the Examiner.

Appl. No. 10/026,329
Amendment dated March 9, 2004
Reply to Office Action of September 10, 2003

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: ROBERT D. TRAVER

Robert D. Traver
Registration No. 47,999
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: 9 MARCH 2004